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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/702,687  | 11/01/2000  | James D. Gee JR.     | 194394US8           | 9890             |
| 6449  | 7590        | 07/27/2004           | EXAMINER            |                  |
| ROTHWELL, FIGG, ERNST & MANBECK, P.C.<br>1425 K STREET, N.W.<br>SUITE 800<br>WASHINGTON, DC 20005 |             |                      | USTARIS, JOSEPH G   |                  |
|   |             |                      | ART UNIT            | PAPER NUMBER     |
|   |             |                      | 2616                |                  |
| DATE MAILED: 07/27/2004   |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                  |               |
|------------------------------|------------------|---------------|
| <b>Office Action Summary</b> | Application No.  | Applicant(s)  |
|                              | 09/702,687       | GEE, JAMES D. |
|                              | Examiner         | Art Unit      |
|                              | Joseph G Ustaris | 2616          |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,4,5,12,15,16,25,27 and 28 is/are rejected.
- 7) Claim(s) 2,3,6-11,13,14,17-24,26 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## DETAILED ACTION

### ***Response to Amendment***

1. This action is in response to the amendment dated 29 April 2004 in application 09/702,687.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 5, 12, 15, 16, 25, 27, and 28 are rejected under 35 U.S.C. 102(a) as being anticipated by Proposed HOST-POD Interface Specification.

Regarding claim 1, the Proposed HOST-POD Interface Specification discloses a method for interfacing POD modules with a host or “multichannel video receiver” (See page 7 section 3.1). The POD modules would be able to function as conditional access modules once properly interfaced (See page 34 section 7.6). The host would read the POD module’s card information structure (CIS) to identify the POD or “determining a POD type” and to determine what voltage the host should apply or “determining interface parameters” in order for the POD to operate correctly. Once the appropriate voltage level is determined, the host would provide that voltage level to the POD modules or “adapting said multichannel video receiver to provide said interface parameters” (See page 15 section 5.1.2 and page 17 section 5.2).

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Regarding claim 4, the host automatically reads the POD module's CIS upon power up or after reset to determine the interface ID number or "POD type" (See page 17 section 5.2).

Regarding claim 5, the CIS of the POD modules provides the host the interface ID number, CISTPL\_VER\_1, and TPLLV1\_INFO or "type messages" (See page 17 section 5.2).

Claim 12 contains the limitations of claim 1 (wherein the method is executed by a host or "multichannel video receiver" and the host inherently has a memory used to "adapt" the host to the POD modules) and is analyzed as previously discussed with respect to that claim.

Claim 15 contains the limitations of claims 4 and 12 and is analyzed as previously discussed with respect to those claims.

Claim 16 contains the limitations of claims 5 and 12 and is analyzed as previously discussed with respect to those claims.

Regarding claim 25, the host and POD modules interface with each other by pin contacts that allows the POD modules and host to communicate with each other or "provide electrical contact with an input/output portion" and for the host to provide the proper voltage level or "adaptability input/output portion" (See pages 15-17 section 5.1.3).

Regarding claim 27, the Proposed HOST-POD Interface Specification suggests the use of smart card readers to be used with the interfacing of the host and POD modules (See page 34 section 7.6).

Claim 28 contains the limitations of claims 1 and 12 and is analyzed as previously discussed with respect to those claims.

***Allowable Subject Matter***

3. Claims 2, 3, 6-11, 13, 14, 17-24, and 26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 2 and 13, the prior art of record fails to show or fairly suggest a method or system where the user inputs the POD type to the host.

Regarding claims 3 and 14, the prior art of record fails to show or fairly suggest a method or system where the user inputs the POD type to the host via wireless signal from a remote controller and displaying an on-screen message.

Regarding claims 6-8 and 17-19, the prior art of record fails to show or fairly suggest a memory file containing a list of POD types.

Regarding claims 9 and 20, the prior art of record fails to show or fairly suggest a method or system for determining pin positions of different interface signals required by the "POD type".

Regarding claims 10, 11, 21, and 24, the prior art of record fails to show or fairly suggest a programmable switching unit used to route the appropriate signals to the POD module.

Regarding claim 22, the prior art of record fails to show or fairly suggest an array of mechanical relays used to route signals to the POD module.

Regarding claim 23, the prior art of record fails to show or fairly suggest an array of electrical switches used to route signals to the POD module.

Regarding claim 26, the prior art of record fails to show or fairly suggest a cable connector configured to connect the host to the POD module.

***Response to Arguments***

4. Applicant's arguments filed 29 April 2004 have been fully considered but they are not persuasive.

The objections to the drawings, abstract, and specification are now withdrawn in view of the amendments.

The 35 U.S.C. 112, second paragraph rejection made on claims 24 and 27 are now withdrawn in view of the amendments.

The Affidavit must show possession of either the whole invention as claimed or something falling within the claims prior to the effective date of the reference being antedated. The Affidavit had failed to show reduction to practice or conception of the invention prior to the effective date of the reference. A list of facts and documentary evidence that can be used are provided in MPEP 715.07. The evidence provided is limited to e-mails which fail to show the possession of the invention as claimed prior to the effective date of the reference. As a result, the Affidavit is not persuasive.

Respectfully, the rejection is maintained.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph Ustaris whose telephone number is (703) 305-0377. The examiner can normally be reached on Monday-Friday with alternate Fridays off from 7:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number for this Group is (703) 872-9306.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Group Receptionist whose telephone number is (703) 305-4700.

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JGU  
July 26, 2004

  
VIVEK SRIVASTAVA  
PRIMARY EXAMINER